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REMARKS

In the Office Action, the Examiner rejected claims 1, 11, and 67-70 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,132,072 and 5,803,579. The Examiner also provisionally rejected claims 1, 11, and 67-70 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent Application Nos. 09/604,056 and 09/153,654.

Although Applicants respectfully traverse these rejections, Applicants have nevertheless filed Terminal Disclaimers with this Response thereby rendering these rejections moot.

Also in the Office Action, the Examiner contends that claims 1, 11, and 67-70 are directed to the same invention as that of the claims of U.S. Patent Application No. 09/604,056 and 09/153,654. Applicants respectfully submit that claims 1, 11, and 67-70 were not directed to the same invention as those claims in the above-identified patent applications. In any event, Applicants have now amended claims 1 and 11 while canceling claims 67-70. Applicants submit that the pending amended claims are clearly not directed to the same invention as that set forth in the claims of these two commonly assigned patent applications. Accordingly, no further action on the part of the Applicants is necessary to respond to this statement by the Examiner.

Also in the Office Action, the Examiner has provisionally rejected claims 1, 11, and 67-70 under 35 U.S.C. §102(e) as being anticipated by co-pending Application No. 09/604,056 and 09/148,375 (now U.S. Patent No. 6,132,072). The Examiner states "Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e), if patented." In the Office Action, the Examiner has also rejected claims 1,

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11, and 67-70 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,132,072 or 5,803,579. Note that the 6,132,072 patent is the same as the previously noted Application No. 09/148,375.

On page 7 of the Office Action, the Examiner correctly notes that this application is a CIP of parent Application Nos. 09/148,375, 09/604,056, and 08/664,055. The Examiner goes on to state that he is using the filing date of November 28, 2000, as the earliest filing date for the claimed subject matter that includes a photoluminescent light source combined with a solid state light source to create white light. Specifically, the Examiner contends that such subject matter was not taught in the previous parent applications. None of the presently pending independent claims, however, explicitly recite a "photoluminescent light source." Nevertheless, it is apparent that the provisional rejection of claims 1, 11, and 67-70 over co-pending Application Nos. 09/604,056 and 09/148,375 and the rejection of claims 1, 11, and 67-70 over U.S. Patent Nos. 6,132,072 and 5,803,579 are premised upon the Examiner's finding that claims 1, 11, and 67-70 are only entitled to an effective filing date of November 28, 2000, rather than the earliest claimed priority date of June 13, 1996. Applicants respectfully disagree with the Examiner in this respect.

Applicants submit that all of the independent claims pending in this application are fully supported under 35 U.S.C. §112, first paragraph, by the disclosure of the parent applications, which have an effective filing date of June 13, 1996. Accordingly, Applicants submit that each of the independent claims, which includes claims 1 and 11, is entitled to an effective filing date of June 13, 1996. The basis for Applicants' contention is discussed further below. To the extent that Applicants submit that claims 1 and 11 have an effective filing date of June 13, 1996, both

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the provisional rejection of claims 1 and 11 under 35 U.S.C. §102(e) as being anticipated by the parent applications and the rejection of claims 1 and 11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Nos. 6,132,072 and 5,803,579 are improper and should be withdrawn. Furthermore, Applicants submit that these rejections are inconsistent with the Examiner's statement that these parent applications do not teach the subject matter for which the Examiner believes causes this application to have a later filing date. Those applications cannot both anticipate the claims and yet not provide support for the claims.

MPEP §2121.01 states the following regarding the amount of disclosure necessary for a reference to anticipate a claim. Specifically, MPEP §2121.01 states:

In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure' *In re Hoeksema*, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). A reference contains an 'enabling disclosure' if the public was in possession of the claimed invention before the date of invention. 'Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his [or her] own knowledge to make the claimed invention.' *In re Donohue*, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985).

Thus, to the extent the Examiner believes that the disclosures of the three parent applications anticipate the invention defined in claims 1 and 11, then this is an implicit admission that those disclosures show possession and enable the subject matter of the claims of this application that the Examiner has rejected. Therefore, by the Examiner's own implicit admission, each of the elements recited in independent claims 1 and 11 is not only disclosed, but enabled by the disclosures of Application Nos. 09/604,056, 09/148,375, and 08/664,055.

Effectively, all Applicants have done in the independent claims of this application is to broaden the recitation of the claims in the parent applications from first and second "LEDs" to

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first and second "light sources." As clearly explained in the present specification, "LEDs" are considered "light sources." More specifically, LEDs are solid state "ight sources that emit light when a DC potential is applied. This is also clearly stated in the specification of parent Application No. 08/664,055 (now U.S. Patent No. 5,803,579). Specifically, with reference to U.S. Patent No. 5,803,579 (the '579 patent), the background portion of the patent refers to "light sources" of different apparent colors that may be combined to produce additive color mixture (see column 6, lines 14-18) and further recites that the physical mechanisms for generating white-light radiation other than incandescence and pyroluminescence are available, including various gas discharges, electroluminescence, photoluminescence, cathodeluminescence, chemiluminescence, and thermoluminescence (see column 5, lines 43-48). Then, in the detailed description of the invention, in column 20, lines 9-24, the '579 patent discloses "In the broadest sense, therefore, the present invention relates to producing nearly achromatic light by additively combining complementary colors from two types of colors of saturated LED sources **or their equivalents**" [Emphasis added] and further states "Although the saturated sources of greatest interest are LEDs, whose emissions are narrow-band, the present invention clearly teaches that similar results could be achieved with other appropriately chosen narrow-band light sources." Insofar as the background discloses various forms of other light sources such as photoluminescent light sources and insofar as photoluminescent light sources, such as phosphors, have emissions that are narrow-band, it is clear that the application does provide sufficient support for the use of phosphors in a binary complementary system. In any event, use of the term "light sources" in lieu of the term "LEDs" is clearly supported by the original disclosure of the '579 patent and, therefore, Applicants are at least entitled to broaden

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the claims to this degree. Accordingly, Applicants submit that all of the pending claims, particularly the independent claims, which do not explicitly recite photoluminescent light sources, are fully supported and enabled by the disclosure of the parent '579 patent and, accordingly, such claims are entitled to an effective filing date of June 13, 1996.

As noted above, Applicants submit that the pending claims in this application are entitled to the June 13, 1996, effective filing date of the '579 parent patent. Accordingly, the parent patents and applications cannot have an earlier effective filing date and therefore cannot qualify as prior art under 35 U.S.C. §102(e). Therefore, Applicants submit that these rejections are improper and should be withdrawn. In the alternative, to the extent the Examiner believes that for some reason the claimed subject matter is not supported by the disclosures of these parent patents and applications, Applicants submit that it would be inconsistent to consider these disclosures as anticipating and hence teaching all of the claimed features of the claims of this application.

In the Office Action, the Examiner has rejected claims 1-5, 11-14, 19-34, 43-49, and 52-70 under 35 U.S.C. §102(e) as being anticipated by Shimizu et al., Bojarczuk, Butterworth, and Polyan. Each of these references, however, does not qualify as prior art as to the claims in this application that are supported by the original '579 patent disclosure due to the earlier effective filing date for such claims. As noted above, Applicants submit that each of the pending claims in this application is fully supported by the disclosure of the '579 parent patent, and hence, are entitled to the June 13, 1996, effective filing date, which predates the filing dates of each of these cited references. Accordingly, these references do not qualify as prior art under 35 U.S.C. §102(e) and the rejection must be withdrawn.

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By this Amendment, Applicants have canceled claims 19-70, 72, 73, 80-85, 89-103, and 114-118 without prejudice; amended claims 1-9, 11-18, and 104-113 to more clearly define the present invention; and have added new claims 119-196 to claim additional features of the present invention. Accordingly, claims 1-9, 11-18, 104-113, and 119-196 are now pending.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current Amendment. The attached page is captioned "Version With Markings to Show Changes Made."

New claims 119-123 depend from either independent claim 1 or independent claim 11, and are believed to be allowable for at least those reasons stated above with respect to claims 1 and 11.

New claims 124-196 recite either an exterior rearview mirror assembly, a license plate illuminator, a reading lamp assembly, a vanity mirror lamp assembly, or a backup light assembly, each of which includes novel features that are nearly identical to those recited in independent claim 1. Accordingly, Applicants submit that these independent claims are allowable for at least the reasons stated above with respect to claim 1. Applicants further submit that each of new claims 124-196 is fully supported by the disclosure of the parent '579 patent and thus entitled to an effective filing date of June 13, 1996.

In view of the foregoing amendments and remarks, Applicants submit that the present invention as defined by the pending claims is allowable over the prior art of record. The

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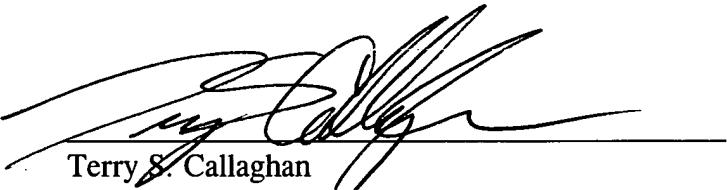
Examiner's reconsideration and timely allowance of the claims is requested. A Notice of Allowance is therefore respectfully solicited.

Respectfully submitted,

JOHN K. ROBERTS ET AL.

By: Price, Heneveld, Cooper,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Please amend the paragraph beginning on page 1, line 3 with the following:

This application is a continuation-in-part of U.S. Patent Application No. 09/604,056, entitled "LED ASSEMBLY," filed on June 26, 2000, by Robert R. Turnbull et al., which is a continuation of U.S. Patent Application No. 09/148,375, entitled "ILLUMINATOR ASSEMBLY INCORPORATING LIGHT EMITTING DIODES," filed on September 4, 1998, by Robert R. Turnbull et al., now U.S. Patent No. 6,132,072, which is a continuation of U.S. Patent Application No. 08/664,055, entitled "ILLUMINATOR ASSEMBLY INCORPORATING LIGHT EMITTING DIODES," filed on June 13, 1996, by Robert R. Turnbull et al., now U.S. Patent No. 5,803,579. The entire disclosures of both the above applications are incorporated herein by reference.

In the Claims:

Please amend claims 1-9, 11-18, and 104-113 as follows:

1. (Amended) An interior rearview mirror assembly comprising:

a mirror mounting structure including a housing and a mounting bracket operatively coupled to said housing and adapted for attachment to the interior of a vehicle;
a mirror disposed within said housing; and
a map light subassembly associated with said mirror mounting structure for emitting effective white light downward, said map light emitting subassembly comprising:

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a solid state first light source emitting light having a dominant wavelength less than about 530 nm when a DC potential is applied thereto; and a second light source,

wherein said first and second light sources oriented such that when said first and second light sources emit light, light projected from said first and second light sources overlaps and is capable of forming effective white light, wherein said second light source projects light having a dominant wavelength less than about 635 nm, and wherein the light projected from said first light source exhibits color coordinates different from the light projected from said second light source.

2. (Amended) The interior rearview mirror light emitting assembly according to claim 1, where said first light source emits blue light.

3. (Amended) The interior rearview mirror light emitting assembly according to claim 1, where said first light source emits visible light.

4. (Amended) The interior rearview mirror light emitting assembly according to claim 1, where said second light source is a photoluminescent source.

5. (Amended) The interior rearview mirror light emitting assembly according to claim 4, where said photoluminescent source is disposed to receive light from said first light source.

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6. (Amended) The interior rearview mirror light emitting assembly according to claim 1 and further including a leadframe and an encapsulant, where said first light source is a semiconductor optical radiation emitter and is mounted on said leadframe and encapsulated by said encapsulant.

7. (Amended) The interior rearview mirror light emitting assembly according to claim 6 wherein said leadframe includes a heat extraction member and a plurality of electrical leads, said heat extraction member providing a thermal path from said semiconductor optical radiation emitter having a lower thermal resistance than a thermal path provided by said electrical leads.

8. (Amended) The interior rearview mirror light emitting assembly according to claim 7, where said second light source is a semiconductor optical radiation emitter and is mounted on said leadframe and encapsulated by said encapsulant.

9. (Amended) The interior rearview mirror light emitting assembly according to claim 7, where said second light source is a fluorescent dye or phosphor.

11. (Amended) A rearview mirror assembly comprising:

a mirror mounting structure including a housing, said mirror mounting structure adapted for mounting to a vehicle;

a mirror mounted inside said housing; and

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a light emitting subassembly associated with said mirror mounting structure for projecting light downward, said light emitting subassembly comprising a first solid state light source and a second light source, said light sources oriented such that when said first and second light sources emit light, light projected from said first and second light sources overlaps and is capable of forming effective white light, wherein said first light source projects light having a blue hue, and wherein said second light source projects light having a hue other than blue, wherein said first light source includes an LED junction.

12. (Amended) The rearview mirror light emitting assembly of claim 11, wherein said second light emitting source is a phosphorescent or fluorescent dye or pigment.

13. (Amended) The rearview mirror light emitting assembly of claim 12, wherein said phosphorescent or fluorescent dye or pigment being disposed so as to be irradiated with light from said first light source.

14. (Amended) The rearview mirror light emitting assembly of claim 12 and further comprising an optical element spaced apart from said first light source, said phosphorescent or fluorescent dye or pigment being disposed on or within said optical element.

15. (Amended) The rearview mirror light emitting assembly of claim 11 and further including a leadframe and an encapsulant, where said first light source is mounted on said leadframe and encapsulated by said encapsulant.

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16. (Amended) The rearview mirror light emitting assembly of claim 15 wherein said leadframe includes a heat extraction member and a plurality of electrical leads, said heat extraction member providing a thermal path from said first light source having a lower thermal resistance than a thermal path provided by said electrical leads.

17. (Amended) The rearview mirror light emitting assembly of claim 16, where said second light source is a semiconductor optical radiation emitter and is mounted on said leadframe and encapsulated by said encapsulant.

18. (Amended) The rearview mirror light emitting assembly of claim 16, where said second light source is a fluorescent dye or phosphor.

104. (Amended) The interior rearview mirror light emitting assembly according to claim 1 and further comprising an optical element spaced apart from said first light source, wherein said second light source is a phosphorescent or fluorescent dye or pigment disposed on or within said optical element, said phosphorescent or fluorescent dye or pigment emitting light having a second hue when irradiated with light from said first light source, wherein said first and second hues are binary complements of one another such that effective white light is projected from said optical element.

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105. (Amended) The interior rearview mirror light emitting assembly according to claim 1, wherein said first light source is an LEP.

106. (Amended) The interior rearview mirror light emitting assembly according to claim 1, wherein said first light source is an OLED.

107. (Amended) The interior rearview mirror light emitting assembly according to claim 1, wherein said first light source projects illumination in response to voltages less than about 13 volts.

108. (Amended) The interior rearview mirror light emitting assembly according to claim 1, wherein one of said first and second light sources is made in part of a material selected from the group consisting of AlInGaP and AlGaAs.

109. (Amended) The interior rearview mirror light emitting assembly according to claim 1, wherein one of said first and second light sources is made in part of a material selected from the group consisting of GaN and InGaN.

110. (Amended) The interior rearview mirror light emitting assembly according to claim 1, wherein neither of said first and second light sources projects light having a yellow hue.

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111. (Amended) The interior rearview mirror light emitting assembly according to claim 1,

wherein the light emitting assembly is a discrete light emitting diode component comprising:

a leadframe; and

a polymer matrix enclosure,

wherein the first light source is an LED chip disposed on said leadframe and enclosed within said enclosure, and

wherein said second light source is a narrow band light emitter, said LED chip and said narrow band emitter are disposed such that, when said LED chip and said narrow band emitter emit light, emissions from said LED chip overlap and mix with emissions from said narrow band emitter to form metamerically white light.

112. (Amended) The interior rearview mirror light emitting assembly according to claim 1

and further comprising a photoluminescent light source, wherein said first light source is a

first electroluminescent light source, and said second light source is a second

electroluminescent light source, wherein said first and second electroluminescent light sources

are oriented such that light emitted from said first and second electroluminescent light sources

overlaps and is capable of forming effective white light, wherein the light emitted from said

first electroluminescent light source exhibits color coordinates different from the light emitted

from said second electroluminescent light source, and wherein said photoluminescent light

source is oriented such that light projected from said photoluminescent light source overlaps

with that emitted from said first and second electroluminescent light sources.

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113. (Amended) The interior rearview mirror light emitting assembly of claim of claim 11,
wherein said LED emits blue light when a DC potential is applied thereto.